

REMARKS

Applicant replies to the Final Office Action mailed on November 3, 2009 within three months. Claims 1 and 3-9 were pending in the application and the Examiner rejects claims 1 and 3-9. Applicant cancels claim 9 without prejudice to presenting the same or similar claims in this or a related application. Applicant adds new independent claims 10-11. Support for the amendments and the new claims may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments and new claims. Applicant respectfully requests reconsideration of this application.

Double Patenting

The Examiner objects to claim 9 as being a substantial duplicate of claim 1. Applicant cancels claim 9 without prejudice.

Rejections under 35 U.S.C. § 103

The Examiner rejects claims 1-6 under 35 U.S.C. § 103(a), as being unpatentable over Vetter, U.S. Pat. No. 5,716,211 ("Vetter") in view of King, U.S. Pat. No. 5,319,542 ("King"). The Examiner rejects claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Vetter in view of Hardgrave, U.S. Pat. No. 6,010,239 ("Hardgrave"). The Examiner rejects claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Vetter in view of Foladare, U.S. Pat. No. 5,914,472 ("Foladare"). Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Vetter discloses an educational savings bank and toy with multiple "storage locations that correspond to different budgetary categories." (Abstract). The Vetter device "calculates, based upon preselected percentages, specific amounts to be allocated to each of the various budgetary accounts." (Col. 2, Lines 44-46, emphasis added). Significantly, Vetter **fails to disclose making a payment to savings regardless of debt obligations or minimizing penalties associated with debt obligations.**

King discloses a system that "facilitates the user in electronically ordering items from suppliers." The King system includes private catalog functions that facilitate the procurement

process by allowing "Customers to load, access and identify supplier products on their own local computer systems..." (Col. 2, lines 43-45). Significantly, King **fails to disclose making a payment to savings regardless of debt obligations or minimizing penalties associated with debt obligations.**

None of the other cited references cure the deficiencies of Vetter and King. As such, neither Vetter nor King alone, nor in combination with each other or with any cited reference, disclose or contemplate at least the following, as recited in claim 1 (emphasis added) and as similarly recited in independent claims 10-11 :

determining, by said computer-based system and **in response to said transferring said savings amount, a payment hierarchy based upon said savings amount**, said plurality of penalties and at least one of said payment information, said user savings goal information and said user income information, **wherein said payment hierarchy minimizes said plurality of penalties,**

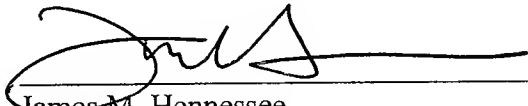
Applicant therefore respectfully submits that independent claims 1 and 10-11 are allowable over the cited references.

Dependent claims 3-8 depend from independent claim 1, so Applicant asserts that dependent claims 3-8 are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that Applicant regard as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: 2/2/10


James M. Hennessee
Reg. No. 62,659

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004

Phone: 602-382-6516
Fax: 602-382-6070
Email: mhennessie@swlaw.com